

REMARKS

Entry of this Amendment is proper under 37 C.F.R. § 1.116, because the Amendment places the application in condition for allowance for the reasons discussed herein; does not raise any new issue requiring further search and/or consideration because the amendments amplify issues previously discussed throughout prosecution; does not present any additional claims; relates to matters of form rather than substance because the added language was already present in the claims. Entry of the Amendment, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.116, are thus respectfully requested.

1. Status of the Claims

Claims 2, 3, 5-12, 20, 22-25, 27-41, 54-62, and 64-68 are pending. Claims 1, 4, 13-19, 21, 26, 42-53, and 63 have been canceled. Claims 54-62, and 64-67 are allowed.

After entry of this amendment, claims 1-53 and 68 are cancelled. Claims 54-62 and 64-67 are pending and allowed. Applicants have cancelled claims 1-53 and 68 without disclaimer of or prejudice to the subject matter contained in those claims. Applicants maintain the right to file a continuation or divisional application on the cancelled subject matter.

2. Claim Objections

Claims 2-3 and 5-6 stand objected to for failing to further limit parent claim 7. Without acquiescing as to the merits of the objection, claims 2-3 and 5-6 have been cancelled thereby mooting the objection. Applicants respectfully request withdrawal of the objection.

3. Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 2-3, 25, and 27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Without acquiescing as to the merits of the rejection, claims 2-3, 25, and 27 have been cancelled thereby mooting the rejection. Applicants respectfully request withdrawal of the rejection.

4. Rejection Under 35 U.S.C. § 112, First Paragraph (Enablement)

Claims 2-3, 5-12, 20, 22-25, 27-41, and 68 remain rejected under 35 U.S.C. § 112, first paragraph, because while the specification is enabling for claims limited to the isolated

polynucleotide encoding any one of SEQ ID NO: 32-37, a recombinant vector, plant cell/tissue/cut flower, microbial cell, plant comprising it, and a method of transforming a plant with said vectors, the Office asserts that the specification is not enabling to practice the invention in scope with these claims.

Without acquiescing as to the merits of the objection, claims 2-3, 5-12, 20, 22-25, 27-41, and 68 have been cancelled thereby mooting the objection. Applicants respectfully request withdrawal of the rejection.

5. Rejection Under 35 U.S.C. § 112, First Paragraph (Written Description)

Claims 2-3, 5-12, 20, 22-25, 27-41, and 68 remain rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Without acquiescing as to the merits of the objection, claims 2-3, 5-12, 20, 22-25, 27-41, and 68 have been cancelled thereby mooting the objection. Applicants respectfully request withdrawal of the rejection.

CONCLUSION

In view of the foregoing, Applicants respectfully request the entry of the amendments to place the application in condition for allowance.

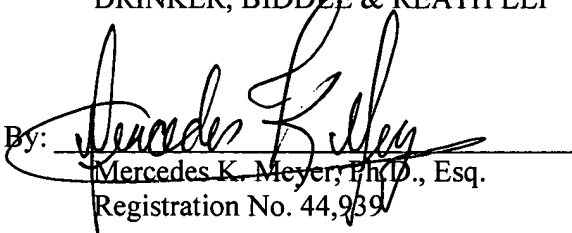
If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0573. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above or in the attached papers, such an extension is requested and the fee should also be charged to our Deposit Account. This paper can also serve as a request for and Notice of Appeal should a Notice of Appeal become necessary to maintain pendency of the application.

If any matters remain outstanding, the Examiner is invited to contact the undersigned representative regarding this matter.

Respectfully submitted,
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By: _____


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